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## FACSIMILE COVER SHEET

**DATE:** February 23, 2005  
**FILE NO:** ROC920010108US1  
**TO:** Examiner Hoang Nguyen-Ba  
**FAX NO:** 703/872-9306  
**COMPANY:** USPTO  
**FROM:** Gero G. McClellan  
**PAGE(S) with cover:** 10  
**ORIGINAL TO FOLLOW?** ☐ YES ☒ NO

### RESPONSE TO FINAL OFFICE ACTION DATED JANUARY 21, 2005

**U.S. SERIAL NO.:** 09/912,975  
**FILING DATE:** July 25, 2001  
**INVENTOR:** Birkholz et al.  
**EXAMINER:** Hoang Nguyen-Ba  
**GROUP ART UNIT:** 2122  
**CONFIRMATION NO.:** 6558

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## PATENT

Atty. Dkt. No. ROC920010109US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Birkholz et al.

Serial No.: 09/912,975

Confirmation No.: 6558

Filed: July 25, 2001

**For: Method and Apparatus for Automating Software Upgrades**

**Group Art Unit: 2122**

**Examiner: Nguyễn-Ba, Hoang**

**MAIL STOP AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATE OF FAX**  
**37 CFR 1.8**

I hereby certify that this correspondence is being ~~facsimile~~  
transmitted to the Patent and Trademark Office to fax number  
703/872-9306 to the attention of Examiner Hoang Vu A.  
Nguyen-Ba on the date below:

February 23, 2005

Date Gero G. McClellan

Dear Sir,

**RESPONSE TO FINAL OFFICE ACTION DATED JANUARY 21, 2005**

In response to the Final Office Action dated January 21, 2005, having a shortened statutory period for response set to expire on April 21, 2005, please enter this response and reconsider the claims pending in the application for reasons discussed below. While no fees are believed due, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465 for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Remarks/Arguments begin on page 8 of this paper.

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